

## REMARKS

1. The Examiner has rejected Claims 1, 4 – 6 and 10 under 35 U.S.C. 102(b) as anticipated by August, (US No. 5,671,267). Applicant has amended Claims 1, 6 and 10. No new matter has been added. Claims 6 and 10 now being presented as independent claims. Applicant respectfully submits that the rejection of Claims 1, 4 – 6 and 10 under 35 U.S.C. 102(b) is moot in light of such amendment.

Claim 1 has been amended in part to include a limitation wherein the multi-function wireless communications device includes “a remote control circuit ambiently connected to the control circuit, the remote control circuit establishing an ambient high frequency communication link between the multi-function wireless communications device and an appliance”. The high frequency communication link is “ambient” in the sense that if the wireless remote control is within the range of transmission of a controlled appliance, the remote control and the device may communicate. See Application at page 3, lines 5 – 8.

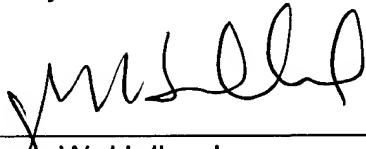
Similarly, now independent Claim 6 includes a limitation wherein the multi-function wireless communications device includes “a remote control circuit switchably connected to the control circuit, the remote control circuit establishing a switchable high frequency communication link between the multi-function wireless communications device and an appliance”. The high frequency communication link is “switchable” in the sense that if the wireless remote control is within the range of transmission of an appliance and the remote control circuit is energized, the devices may communicate. Again, see Application at page 3, lines 5 – 8.

Claim 10 has been amended to now depend from Claim 6.

Applicant respectfully requests the rejection of Claims 1, 4 - 6, and 10 under 35 U.S.C. 102(b) as anticipated by August be withdrawn and Claims 1, 4 - 6, and 10 be allowed.

2. The Examiner has rejected Claims 2 - 3 , 7 - 9 under 35 U.S.C. 103(a) as being unpatentable over August et al., (U.S. No. 5,671,267) in view of Yamashita, (U.S. No. 6,223,034). Applicant has amended Claims 1, from which Claims 2 and 3 depend and Claim 6, from which Claims 7 - 9 depend. Applicant respectfully submits that the rejection of Claims 2 - 3, 7 - 9 under 35 U.S.C. 103(a) as being unpatentable over August et al., (U.S. No. 5,671,267) in view of Yamashita, (U.S. No. 6,223,034) is moot in light of such amendment.

3. Applicant believes the application is in condition for allowance and respectfully requests the same. If the Examiner is of a differing opinion he/she is hereby requested to conduct a telephonic interview with the undersigned attorney.



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